



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MAIL

OCT 21 2005

DIRECTOR OFFICE
TECHNOLOGY CENTER 2600

LIGHTRAIL NETWORKS.
1395 PICCARD DRIVE
SUITE 115
ROCKVILLE, MD 20850

In re Application of
Leon Li-Feng Jiang, et al.
Application No. 09/942,664
Filed: August 31, 2001
For: WDM OPTICAL COMMUNICATION
SYSTEM WITH CHANNELS SUPPORTING
MULTIPLE DATA FORMATS

DECISION ON PETITION

This is a decision on the Petition to Withdraw Holding of Abandonment filed September 12, 2005, pursuant to 37 C.F.R. § 1.181(a). No fee is required.

The application was held abandoned for failure to respond in a timely manner and effective manner to the Office communication mailed March 10, 2004. A Notice of Abandonment was mailed June 2, 2005.

Petitioner alleges to have timely filed a response to said Office communication on August 9, 2004. The response was filed via facsimile from Japan, and hence the response would have been received in the Office on August 8, 2004. In support thereof, Petitioner notified the Office that the response for the instant application may have been inadvertently filed with the wrong serial number.

A review of the other application file found that the original amendment filed on August 8, 2004 was provided with an incorrect serial number and was therefore improperly matched to the wrong application. The response was however provided with the correct inventor name, filing date, attorney docket number, and title. Accordingly, the response was removed from the other application, all fee processing has been corrected, and the response has been matched to the instant application.

In view of the above stated reasons, the Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn.

The petition is **GRANTED**.

The application file is being forwarded to the Technology Center's technical support staff for entry of the August 8, 2004 response. From there, the file will be forwarded to the examiner for appropriate action in due course.

Doris To
Special Program Examiner
Technology Center 2600
Communications